

PHILLIP A. TALBERT  
United States Attorney  
KIMBERLY SANCHEZ  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099  
  
Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JONATHAN SOUVANNASANE,  
  
Defendants.

CASE NO. 1:23-CR-00042-JLT-SKO  
1:15-CR-00167-JLT-KSO

STIPULATION TO CONTINUE SENTENCING  
AND EXTEND BRIEFING SCHEDULE

DATE: September 9, 2024  
COURT: Hon. Jennifer L. Thurston

**STIPULATION**

The government, by and through United States Attorney Phillip A. Talbert and Assistant United States Attorney and Kimberly A. Sanchez, and the defendant Jonathan Souvannasane, by and through his counsel of record, Yan Shrayberman, hereby stipulate as follows.

1. This matter is currently set for sentencing and disposition on September 9, 2024, in this Court, and the parties' supplemental briefing was due on August 26, 2024. Dkt. 20, 24.
2. Defense filed supplemental briefing on August 26, 2024. Dkt. 26.
3. In researching and drafting its supplemental briefing, the government found caselaw supporting only that the court has discretion to allow a plea withdrawal, but plea withdrawal is not required where the parties inaccurately estimate the sentencing guideline range so long as a thorough colloquy regarding sentencing is conducted by the court at the time of the plea. The government reviewed the transcript of the change of plea proceeding, and the court engages in a thorough Rule 11 colloquy, including advisements that the court could sentence the defendant outside of the guidelines

and the defendant would not be permitted to withdraw his plea even where the court does not follow the parties recommendations, and the defendant indicated he understood.

4. The parties would like time to further discuss the case viewed now in the light of having the benefit of the transcript and additional research.

5. By this stipulation, the parties now move to reset the briefing schedule as follows.

6. The parties agree and stipulate, and request that the Court find the following:

a) The parties have further reviewed a significant bank of caselaw, the transcript of the guilty plea, and desire additional time to continue discussions regarding the possibility of defendant withdrawing his pending motion to withdraw his guilty plea and proceeding to sentencing instead of proceeding on the motion.

b) The parties request their briefing be due on or before September 23, 2024, and that the hearing on the motion or the sentencing be continued to October 7, 2024.

IT IS SO STIPULATED.

Dated: August 27, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ KIMBERLY SANCHEZ  
KIMBERLY SANCHEZ  
Assistant United States Attorney

Dated: August 27, 2024

/s/ YAN SHRAYBERMAN  
YAN SHRAYBERMAN  
Counsel for Defendant  
Jonathan Souvannasane

### FINDINGS AND ORDER

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: August 28, 2024

  
UNITED STATES DISTRICT JUDGE